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Armstrong attorneys respond to USADA charges

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Review board will now decide whether to file anti-doping rule violation

Lance Armstrong's attorneys have today filed a formal response to the allegations of doping brought by the US Anti-Doping Agency (USADA), just inside the 10-day deadline to respond that is spelled out in USADA's protocol for arbitration of sport doping disputes.

On June 13 the *Washington Post* and *ESPN* made public the 15-page letter from USADA to Armstrong outlining new allegations against the seven-time Tour de France winner, Johan Bruyneel and former team doctors, staff and trainers, including use of EPO, transfusions and other banned drugs by Armstrong and a conspiracy to cover up the doping.

Armstrong has vigorously denied the charges, his attorneys writing to USADA that these are "stale allegations disproved long ago and short on evidence" in today's letter.

One of the objections raised in the correspondence is an assertion that USADA is illegally relying on evidence leaked to the press from the US federal grand jury investigation into similar allegations which was closed without charges being filed earlier this year.

However, a source close to the case confirmed to *Cyclingnews* that the agency accumulated its own evidence, and while it requested the information from the federal case, it yet has not received any information.

The letter goes on to object to witnesses not being named, insufficient time given to Armstrong and his team to respond, and that USADA cannot point to a positive test to corroborate the claims. However, the World Anti-Doping Agency's code provides for "non-analytical" rule violations in cases such as this where evidence is limited to witness testimony or other information. The rules have been used in the past to ban numerous athletes, including Marion Jones and Tim Montgomery after the BALCO scandal.

Armstrong's attorneys state that despite the alleged conspiracy in the teams, Armstrong is the only athlete to be charged. Furthermore, they claim that the blood values from 2009 and 2010 which Armstrong himself posted on the Livestrong website were examined by experts and it was concluded there was no evidence of doping.

"USADA otherwise has refused to disclose anything else, such as an expert analysis substantiating its unsupported view of those blood values. Consequently, the only "evidence" that USADA puts before this Review Board is its



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mischaracterisation of someone who undermines USADA's case, along with raw data, unaccompanied by expert analysis, that independent experts have rejected as evidencing a violation," they wrote.

The attorneys also allege that USADA is keeping all of its evidence secret, even from its own review board. However USADA's CEO Travis Tygart stated that information has been submitted for review to the Anti-Doping Review Board (ADRB), "and the ADRB will consider all submissions in accordance with the rules".

According to USADA, the Review Board, consists of at least one technical expert, legal expert and medical expert, and considers the written submissions and recommends whether there is 'sufficient evidence of doping to proceed with the adjudication process'.

Once it has evaluated all of the information, the review board will make its recommendation if charges should be filed. If they are filed, a hearing must be requested, and if this takes place "the merits of any case will be decided by an independent panel of arbitrators separate from USADA through a full and fair legal process in compliance with federal law," Tygart said.

The final conclusion of Armstrong's camp is that USADA is pursuing evidence that dates from outside the statute of limitations and is therefore acting "wholly outside the scope of its mandate and jurisdiction". USADA claims to have evidence to back up the type of conspiracy that would, under WADA rules, allow rule violations to be issued outside the statute of limitations, but according to Armstrong's lawyers, this evidence has not been made available to them.

Tygart in his statement justifies the current procedures, stating, "When we have evidence that a person has doped, we follow established procedures that were approved by athletes, the U.S. Olympic Committee, and all Olympic sports organisations. Every person accused has the right to a full public hearing where all of the evidence will be presented to an independent group of arbitrators who ultimately decide the case. The established rules provide full due process and are designed to get to the truth."

External resources (*Cyclingnews* is not responsible for outside content):

- [AAA supplementary procedures for Olympic Sport Doping Disputes](#)
- [USOC's due process checklist](#)
- [USADA letter announcing formal action against Armstrong et al](#)
- [Full text of Armstrong's attorneys response to USADA](#)

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